

**URGENT****URGENT****ATTORNEY DOCKET NUMBER: 2002834-0058 (CIP4 DIV1)****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bannon, et al.  
Serial No.: 09/478,668  
Filed: January 6, 2000  
For: METHODS AND REAGENTS FOR DECREASING CLINICAL REACTIONS TO ALLERGY

Examiner: Huynh, P.  
Art Unit: 1644

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
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**CERTIFICATE OF FACSIMILE TRANSMISSION**

PURSUANT TO 37 C.F.R. § 1.106 OG 30-31  
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Sir:


**REQUEST TO CANCEL ORAL HEARING**

An Oral Hearing is currently scheduled in the above-referenced case for tomorrow, January 10, 2005. The case includes rejections under 35 U.S.C. § 112 and rejections over art, one of the art-based rejections being based on denial of a priority claim (the cited reference represents the inventors' own work). As noted in the Appeal Brief, this case is one of a family of cases, each of which contains virtually identical rejections under 35 U.S.C. § 112. Some of the cases also contain a similar art rejection over the inventors' own work.

Two days ago (specifically, on Saturday, January 7, 2006), the undersigned received a Decision on Appeal in one of the related cases (specifically, in 09/455,294; the "Decision"). This Decision did not address the rejections under 35 U.S.C. § 112. However, it affirmed the priority claim denial, and therefore the art rejections. The Decision acknowledged, however, that an alternative, and proper ground for overcoming a prior art reference representing work of the inventors is through submission of a Declaration under 37 C.F.R. § 1.131.

Given the issuance of the Decision, Appellant has recognized that an Oral Hearing would not be productive at this time. Prosecution could more productively be advanced by filing a Continuation application to first remove the relevant prior art rejections (through the filing of a Declaration under 37 C.F.R. § 1.131), thereby reducing the issues on appeal. The undersigned apologizes for the late notice of this cancellation, necessitated by the unfortunate timing of the Decision.

Respectfully submitted,



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From	Brenda Herschbach Jarrell, Ph.D.	Number of Pages	3
Date	January 9, 2006	Client Number	2002834-0058
Phone	(617) 248-5175	Operator	Time Sent

Comments	Applicant:	Bannon, et al.	Examiner:	Huynh, P.
	Serial No.:	09/478,668	Art Unit:	1644
	Filed:	January 6, 2000		
	Title:	Methods and Reagents for Decreasing Clinical Reactions to Allergy		

Please find attached the following document for the above-referenced case:

Request to Cancel Oral Hearing (2 pages).

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